

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

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| USA vs. (1) Pedro Jorge Moreno-Garcia | § § § § § | CRIMINAL COMPLAINT CASE NUMBER: EP:18-M -02567(1) - LS |
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I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **April 19, 2018** in **El Paso** county, in the **WESTERN DISTRICT OF TEXAS** defendant did, being an alien to the United States, enter, attempt to enter, or was found in the United States after having been previously excluded, deported, or removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557 in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) **Border Patrol Agent** and that this complaint is based on the following facts: *"The DEFENDANT, Pedro Jorge MORENO-Garcia, an alien to the United States and a citizen of Mexico was found in the United States on April 19, 2018 in El Paso County in the Western District of Texas. From statements made by the DEFENDANT to the*

Continued on the attached sheet and made a part of hereof.

Sworn to before me,




 Signature of Complainant
 Garcia, David
 Border Patrol Agent

April 20, 2018
Date

at EL PASO, Texas
City and State

LEON SCHYDLOWER
UNITED STATES MAGISTRATE JUDGE



 Signature of Judicial Officer
OATH TELEPHONICALLY SWORN
AT 01:00 P.M.
FED.R.CRIM.P. 4.1(b)(2)(A)

WESTERN DISTRICT OF TEXAS

(1) Pedro Jorge Moreno-Garcia

FACTS (CONTINUED)

arresting agent, the DEFENDANT was determined to be a native and citizen of Mexico, without immigration documents allowing him to be or remain in the United States legally. DEFENDANT has been previously removed from the United States to Honduras on August 16, 2016 through El Paso, Texas. Defendant has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

On April 19, 2018, at about 2:20 p.m., Border Patrol Agent David Brault saw two individuals running back south into Mexico approximately .47 miles west of the Paso Del Norte Port of Entry in El Paso, Texas. Agent Brault responded to the location, where saw two individuals between the border fence and a chain fence. Agent Brault identified himself as a Border Patrol and instructed the individuals to exit the fence through a hole, to which only one complied. The second individual began to run east between the fences. After receiving notification, Border Patrol Agent Johan Miranda responded north of the border fence, where he saw the individual climbing the border fence. Agent Miranda identified himself as a Border Patrol and ordered the individual off the fence. Once on the ground, Agent Miranda questioned the individual as to his citizenship. The individual, later identified as DEFENDANT Pedro Jorge MORENO-Garcia, admitted to being a citizen of Mexico. After a brief interview, it was also determined that the DEFENDANT was not in possession of any immigration documents that would allow him to enter, be, or remain in the United States legally. Both individuals were arrested and transported to the Paso Del Norte processing center. The DEFENDANT was enrolled into the E3/IDENT/NGI system utilizing his fingerprints and photo. The system revealed the DEFENDANT has prior immigration and criminal history. The DEFENDANT was read his rights via Form I-214 in the Spanish language, which he acknowledged that he understood by signing the form. Further immigration records checks revealed that the DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States. Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

IMMIGRATION HISTORY:

The DEFENDANT has been deported 2 time(s), the last one being to MEXICO on August 16, 2016, through EL PASO, TX. 05/13/2003, Laredo, Tx, I6A, Excluded/Removed - Inadmissibility.

CRIMINAL HISTORY:

On September 14, 2005, in Memphis, TN, the DEFENDANT was charged with Possession of Cocaine W/I o Manuf,Sell, Del(F). On October 6, 2007, in Memphis, TN, the DEFENDANT was charged with Domestic Assault(M). On October 13, 2007, in Shelby County, TN , the DEFENDANT was Convicted of Reckless Driving(M) and sentenced to 6 months Probation and \$1,888 fine. On December 8, 2008, in Shelby County, TN, the DEFENDANT was Convicted of Domestic Assault-Bodily Harm/Failure to Appear(M) and sentenced to \$50.00 fine. On September 15, 2010, in Shelby County, TN, the DEFENDANT was Convicted of Driving Under the Influence(M) and sentenced to 11 months and 19days confinement and \$1,712.